

REMARKS

Claims 2-7, 9, 11, 12, 14-17, and 19-24 are pending in this Application. Applicant has amended various claims to define the claimed invention more particularly. Applicant has cancelled claims 1, 8, 10, and 13 without prejudice or disclaimer. Applicant has added new claims 19-24 to claim additional features of the invention and to provide varied protection for the invention. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-3, 7, 13, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wada (US 2002/0162363). Claims 4, 5, 8, 9, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wada in view of Nakamura et al. (US 2003/0015004, hereinafter "Nakamura"). Claims 6, 10-12, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wada in view of Nakamura, and further in view of Ishihara et al. (US 2004/0134236, hereinafter "Ishihara").

Applicant notes that claims 1, 8, 10, and 13 have been cancelled by this Amendment, rendering the rejections of these claims moot. The remaining rejections, to the extent the Examiner considers them still applicable to the claims, are traversed as explained below.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 2) is directed to a manufacturing apparatus of a porous glass base material for depositing glass particles produced by subjecting a material gas to flame hydrolysis, onto a starting member placed vertically.

A plurality of gas inlets is provided in one or more lateral walls of a process chamber including a burner for the deposition therein. Two or more of the plurality of gas inlets are provided both in upper portions of the one or more lateral walls and along a ceiling of the process chamber.

At least one of the two or more gas inlets is provided in a first lateral wall and at least

one of the two or more gas inlets is provided in a second lateral wall that opposes the first lateral wall with a porous glass base material being positioned therebetween.

The claimed invention can achieve a flow of fresh intake gas across the entire ceiling, without causing the swirling gas flow, as shown in the exemplary Fig. 3 of the present Application.

As a consequence, floating glass particles could be prevented from reaching the ceiling. Furthermore, the configuration could stabilize the gas flow in the process chamber, and significantly reduce the amount of soot formed on the lateral walls of the process chamber.

II. THE PRIOR ART REJECTIONS

The Examiner alleges that Wada anticipates claims 2, 3, 7, 13, and 14.

Applicant respectfully submits, however, that the alleged reference does not teach or suggest each and every feature of the claimed invention.

That is, Wada does not teach or suggest, “*wherein at least one of the two or more gas inlets is provided in a first lateral wall and at least one of the two or more gas inlets is provided in a second lateral wall that opposes the first lateral wall with a porous glass base material being positioned therebetween,*” (emphasis added by Applicant) as recited in claim 2.

The Examiner alleges that the gas inlets 15 of Wada can be analogized to the gas inlets in claim 2.

Wada, however, in Figs. 7(a) and 7(b), upon which the Examiner bases the rejection, teaches that the alleged gas inlets 15 are provided on a single lateral wall that has an opposing lateral wall (around 12) with the porous glass base material positioned therebetween. This is different, and fails to teach or suggest, that at least one of the two or more gas inlets is provided in a first lateral wall and at least one of the two or more gas inlets is provided in a second lateral wall that opposes the first lateral wall with a porous glass base material being positioned therebetween, as recited in claim 2. Thus, Wada fails to satisfy the plain meaning of the final claim limitation, and therefore, fails to teach or suggest claim 2.

Therefore, Applicant respectfully submits that Wada fails to teach or suggest each element of Applicant’s claimed invention, and respectfully requests the Examiner to

reconsider and withdraw this rejection.

Furthermore, in rejecting claims 4, 5, 9, 15, and 16, the Examiner alleges that one of ordinary skill in the art would have combined Wada with Nakamura to render obvious the claimed invention.

Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, similar to Wada, Nakamura does not teach or suggest, *“wherein at least one of the two or more gas inlets is provided in a first lateral wall and at least one of the two or more gas inlets is provided in a second lateral wall that opposes the first lateral wall with a porous glass base material being positioned therebetween,”* (emphasis added by Applicant) as recited in independent claim 2.

Furthermore, Applicant respectfully traverses this rejection, at least because Nakamura is not cited as remedying the aforementioned deficiencies of Wada.

Indeed, Nakamura is merely cited for allegedly disclosing an opposing wall. Thus, claims 4, 5, 9, 15, and 16 are allowable for at least the same reasons that the underlying base claim is allowable.

Moreover, Applicant respectfully submits that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that there is no motivation or suggestion in the references (and thus no predictability for one of ordinary skill in the art) to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have combined the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

Furthermore, in rejecting claims 6, 11, 12, and 17, the Examiner alleges that one of ordinary skill in the art would have combined Nakamura and Nakamura with Ishihara to

render obvious the claimed invention.

Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, similar to Wada and Nakamura, Ishihara does not teach or suggest, *“wherein at least one of the two or more gas inlets is provided in a first lateral wall and at least one of the two or more gas inlets is provided in a second lateral wall that opposes the first lateral wall with a porous glass base material being positioned therebetween,”* (emphasis added by Applicant) as recited in independent claim 2.

Furthermore, Applicant respectfully traverses this rejection, at least because Ishihara is not cited as remedying the aforementioned deficiencies of Wada and Nakamura.

Indeed, Ishihara is merely cited for allegedly disclosing an exhaust outlet in a lateral wall. Thus, claims 6, 11, 12, and 17 are allowable for at least the same reasons that the underlying base claim is allowable.

Moreover, Applicant respectfully submits that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that there is no motivation or suggestion in the references (and thus no predictability for one of ordinary skill in the art) to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have combined the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 19-24 have been added to claim additional features of the invention and to provide more varied protection for the claimed invention. No new matter has been added. The claims are independently patentable because of the novel features recited therein.

Applicant submits that new claims 19-24 are patentable at least because of similar reasons to those set forth above with respect to claims 2-7, 9, 11, 12, and 14-17.

Further, Applicant submits that support for new claim 19 could be found at least in Figs. 4A-4C and paragraph [0017] of the specification and original claims 1 and 2. Support for new claims 20-22 could be found at least in paragraphs [0023] and [0024] of the specification. Also, support for new claims 23 and 24 could be found at least in Fig. 4B and related text in the present Application.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 2-7, 9, 11, 12, 14-17, and 19-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

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Respectfully Submitted,



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